

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM FIRE AND CASUALTY COMPANY,

Plaintiff,

Case Number 11-10710
Honorable David M. Lawson

v.

ALLIED AND ASSOCIATES, GARY M. LAPPIN,
JANEL SYKES, SYKES DERWIN, KRISTY
JACKSON, APRIL CONWAY, LINDA HUNTER,
BRUCE GOODMAN, JOHNNIE GOODMAN, SR.,
JOHNNIE GOODMAN, JR., LORETTA TURNBOW,
LYNETTE HURT-HATTER, KENYATTA MILLER,
and LORAINA CHAPMAN,

Defendants,

and

LYNETTE HURT-HATTER,

Counter claimant,

v.

STATE FARM FIRE AND CASUALTY COMPANY,

Counter defendant.

ORDER DENYING DEFENDANTS' MOTION FOR PROTECTIVE ORDER

The matter is before the Court on the defendants' motion for protective order staying discovery pending resolution of their motions to dismiss. The defendants' motion does not indicate whether defendants' counsel sought concurrence in the relief requested from counsel for the plaintiff, as defendants' counsel was obliged to do under the local rules. *See* E.D. Mich. LR 7.1(a). In this district, movants must seek concurrence in the relief requested before filing a motion for relief in this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present

a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that “there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference.” E.D. Mich. LR 7.1(a)(2).

The defendants do not state in their motion that concurrence was sought from the plaintiff before filing the motion. “It is not up to the Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendants have filed their motion in violation of the applicable rules. Therefore, the Court will deny the defendants’ motion.

Accordingly, it is **ORDERED** that the defendants’ motion for protective order [dkt. #80] is **DENIED**.

s/David M. Lawson _____
DAVID M. LAWSON
United States District Judge

Dated: December 9, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 9, 2011.

s/Deborah R. Tofil _____
DEBORAH R. TOFIL